IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8491 OF 2004

Shri Tukaram Raghunath Gaikwad ...Petitioner
Vs.
Pooja Finance & Consultancy & Ors. ...Respondents

Mr S.J. Raikar for the Petitioner.
Mr V.V. Purwant for the Respondent No.1.

CORAM : S. B. MHASE, J.
DATE : MARCH 23, 2006.

P.C.:

1. Heard the counsel for both the sides. Perused the impugned judgment. Admittedly the certified copy was obtained by the Petitioner on 16.08.2002 and the Appeal is filed on 22.08.2002 when he was aware that there is ex-parte decree passed against him. Though for a earlier period namely in the month of January 2001 he was ill and was hospitalised for period of two months, no explanation is coming forward. The suit was decided on 07th February, 2002. At that time, he was not ill. Therefore, the ground of illness made out for condonation of delay is not true and genuine and apart from that two months he has maintained silence by not preferring an Appeal. No satisfactory explanation is offered for such a delay and therefore, the First Appellate Court has rightly expressed its view and evaluated the evidence and rejected the delay condonation explanation. No furthere interference is called for. Accordingly, Writ Petition is disposed of.

JUDGE